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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,235	01/28/2004	Ozgur C. Leonard	15437-0599	4768

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HICKMAN PALERMO TRUONG & BECKER, LLP  
AND SUN MICROSYSTEMS, INC.  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110-1089

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2162

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/767,235	LEONARD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Baoquoc N. To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :05/21/2004, 10/04/2004, 11/29/2004, 09/06/2005, 09/30/2005, 01/10/2006, 04/27/2006, 09/22/2006, 07/19/2007, 07/25/2007, 09/18/2007 and 12/22/2007.

### **DETAILED ACTION**

1. Claims 1-36 are presented for examination.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 05/21/2004, 10/04/2004, 11/29/2004, 09/06/2005, 09/30/2005, 01/10/2006, 04/27/2006, 09/22/2006, 07/19/2007, 07/25/2007, 09/18/2007 and 12/22/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

3. Drawing filed on 01/28/2004 is accepted by the examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 recites an apparatus which is statutory; however, the claimed limitations direct to a program per se or software per se. Claim 25 recites a machine-accessible medium is a transmission media in view of

paragraph 0072 and machine readable media in view of paragraphs 73-79 is carrier wave. Therefore, claims 13-36 are non statutory.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by McBride et al. (US. Publication No. 2002/0083367 A1).

As to claim 1, McBride discloses a machine-implemented method, comprising:

creating, within a global operating system environment provided by an operating system, a non-global partition which serves to isolate processes running within that partition from other non-global partitions within the global operating system environment (partitions) (paragraph 0070);

maintaining a file system for the non-global partition, the file system comprising one or more mounts (mounting) (paragraph 0070);

receiving a request from a process running within the non-global partition to view information for mounts (child partition) (paragraph 0070);

determining that the process is running within the non-global partition (child partition) (the process run with child partition) (paragraph 0070); and

providing to the process information for only those mounts that are within the file system for the non-global partition (with child partition) (paragraph 0070).

As to claim 2, McBride discloses the method of claim 1, wherein the file system for the non-global partition is part of an overall file system maintained for the global operating system environment, and wherein the overall file system comprises one or more other mounts that are not within the file system for the non-global partition (child partition) (paragraph 0070).

As to claim 3, McBride discloses the method of claim 1, wherein maintaining comprises:

associating the one or more mounts with the non-global partition (amount associated with child partition) (paragraph 0070).

As to claim 4, McBride discloses the method of claim 3, wherein the non-global partition has a mount data tracking structure associated therewith, and wherein associating comprises: adding entries corresponding to the one or more mounts to the mount data tracking structure associated with the non-global partition (child partition is able to add more record) (paragraph 0070).

As to claim 5, McBride discloses the method of claim 4, wherein the mount data tracking structure associated with the non-global partition comprises a linked list of mount entries (child partition linked to other child partition based on the root) (paragraph 0070).

As to claim 6, McBride discloses the method of claim 4, wherein providing comprises:

accessing the mount data tracking structure associated with the non-global partition (paragraph 0070); and

determining, based upon the mount data tracking structure associated with the non-global partition, the one or more mounts within the file system for the non-global partition (paragraph 0070).

As to claim 7, McBride discloses the method of claim 1, wherein the file system for the non-global partition has a root directory, and wherein providing comprises: determining which mounts are within the file system for the non-global partition by determining which mounts are under the root directory (root) (paragraph 0070), or a subdirectory thereof.

As to claim 8, McBride discloses the method of claim 1, wherein maintaining comprises: establishing a root directory for the file system, and establishing the one or more mounts under the root directory (mounting for each child partition) (paragraph 0070), or a subdirectory thereof.

As to claim 9, McBride discloses the method of claim 1, wherein creating comprises assigning a unique identifier to the non-global partition (each child partition includes an identification) (paragraph 0070).

As to claim 10, McBride discloses the method of claim 9, wherein determining comprises:

extracting, from a data structure associated with the process, a partition identifier (paragraph 0070); and

using the partition identifier to determine the non-global partition (paragraph 0070).

As to claim 11, McBride discloses the method of claim 1, wherein the file system for the non-global partition has a root directory, and wherein providing comprises: indicating to the process that the root directory is one of the one or more mounts (each root include a child partition include a mount (paragraph 0070).

As to claim 12, McBride discloses the method of claim 1, wherein the file system for the non-global partition has a root directory, wherein the root directory has an associated path, wherein each of the one or more mounts is under the root directory, or a subdirectory thereof, and wherein providing comprises: showing, to the process, each of the one or mounts without including the path to the root directory (mount associated with a child partition include the access path) (paragraph 0070).

Claim 13 is rejected under the same reason as to claim 1, McBride discloses an apparatus (apparatus) (paragraph 0012).

Claim 14 is rejected under the same reason as to claim 2.

Claim 15 is rejected under the same reason as to claim 3.

Claim 16 is rejected under the same reason as to claim 4.

Claim 17 is rejected under the same reason as to claim 5.

Claim 14 is rejected under the same reason as to claim 2.

Claim 15 is rejected under the same reason as to claim 3.



Claim 16 is rejected under the same reason as to claim 4.

Claim 17 is rejected under the same reason as to claim 5.

Claim 18 is rejected under the same reason as to claim 6.

Claim 19 is rejected under the same reason as to claim 7.

Claim 20 is rejected under the same reason as to claim 8.

Claim 21 is rejected under the same reason as to claim 9.

Claim 22 is rejected under the same reason as to claim 10.

Claim 23 is rejected under the same reason as to claim 11.

Claim 24 is rejected under the same reason as to claim 12.

Claim 25 is rejected under the same reason as to claim, further McBride also discloses a machine-readable medium (volatile storage device 150) (paragraph 0016).

Claim 26 is rejected under the same reason as to claim 2.

Claim 27 is rejected under the same reason as to claim 3.

Claim 28 is rejected under the same reason as to claim 4.

Claim 29 is rejected under the same reason as to claim 5.

Claim 30 is rejected under the same reason as to claim 6.

Claim 31 is rejected under the same reason as to claim 7.

Claim 32 is rejected under the same reason as to claim 8.

Claim 33 is rejected under the same reason as to claim 9.

Claim 34 is rejected under the same reason as to claim 10.

Claim 35 is rejected under the same reason as to claim 11.

Claim 36 is rejected under the same reason as to claim 12

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

BQ To

January 21<sup>st</sup> 2008

